

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
BENJAMIN SHERWOOD,  
  
Defendant.

CASE NO. CR20-0155-JCC  
  
ORDER

This matter comes before the Court on Defendant Benjamin Sherwood's unopposed motion to continue trial (Dkt. No. 22). Having thoroughly considered the parties' briefing and the relevant record, the Court hereby GRANTS the motion for the reasons explained herein.

Trial is currently scheduled for April 12, 2021. (*See* Dkt. No. 21.) Mr. Sherwood moves to continue trial until late summer 2021—the Government suggests August 30, 2021—because the case is complex, defense counsel needs additional time to review voluminous discovery produced by the Government, and the COVID-19 pandemic's continued impact on the Court's operations. (*See* Dkt. Nos. 22, 23; W.D. Wash. General Orders 01-20, 02-20, 07-20, 08-20, 11-20, 13-20, 15-20, 18-20, each of which the Court incorporates by reference.) Specifically, the pandemic has made it difficult for the Court to obtain an adequate spectrum of jurors to represent a fair cross section of the community, and public health guidance has impacted the ability of jurors, witnesses, counsel, and Court staff to be present in the courtroom. (*See generally id.*)

1 When the Court is able to resume in-person trials, the Court is likely to continue to be limited by  
2 public health measures, such as limits on the number of people in the courthouse and  
3 courtrooms, which are likely to limit the Court's ability to try cases as efficiently as it would  
4 absent a pandemic. Having thoroughly considered the briefing and the relevant record, the Court  
5 FINDS that the ends of justice served by granting a continuance outweigh the best interests of  
6 Mr. Sherwood and the public to a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). The reasons for  
7 this finding are:

- 8 1. The Government has produced voluminous discovery to Mr. Sherwood. Therefore,  
9 the failure to grant a continuance would deny Mr. Sherwood's counsel reasonable  
10 time necessary for effective preparation. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).
- 11 2. The COVID-19 pandemic has made it difficult for the Court to obtain an adequate  
12 spectrum of jurors to represent a fair cross section of the community, which would  
13 likely make proceeding on the current case schedule impossible or would result in a  
14 miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i).
- 15 3. Public health guidance has impacted the ability of jurors, witnesses, counsel, and  
16 Court staff to be present in the courtroom. Therefore, proceeding with the current trial  
17 date would likely be impossible or would result in a miscarriage of justice. *See* 18  
18 U.S.C. § 3161(h)(7)(B)(i).

19 Accordingly, the Court ORDERS:

- 20 1. The April 12, 2021 jury trial is CONTINUED until August 30, 2021 at 9:30 a.m.
- 21 2. The March 1, 2021 pretrial motions deadline is CONTINUED until July 16, 2021.
- 22 3. The period from the date of this order until August 30, 2021 is an excludable time  
23 period under 18 U.S.C. § 3161(h)(7)(A).

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1 DATED this 15th day of March 2021.

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5 John C. Coughenour  
6 UNITED STATES DISTRICT JUDGE  
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